

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION

BRANDON L. MOE, individually and on behalf of all individuals of the class similarly situated, Plaintiffs, vs. GEICO INDEMNITY CO., GOVERNMENT EMPLOYEES INSURANCE COMPANY, and JOHN DOES II -XX, Defendants.	Case No. 2:19-CV-00023 BMM-KLD ORDER
--	--

On April 2, 2021, the Court and the parties had an informal discovery status conference to discuss issues related to class discovery. Based on that discussion,

IT IS HEREBY ORDERED that briefing on class certification and class-related discovery is stayed until the determination of Defendants' Motion for Summary Judgment (Doc. 86) and Plaintiff's Motion for Partial Summary Judgment (Doc. 91). The Court has considered whether the one way intervention rule bars consideration of these motions, and does not believe that it bars such consideration. *See e.g. Khasin v. Hershey Co.*, 2014 U.S. Dist. LEXIS 62070, * 6-7 (N.D. Cal. May 5, 2014) (defendant can waive protections of one way

intervention rule by moving for summary judgment prior to class certification) and *Diva Limousine, Ltd. v. Uber Techs., Inc.*, 392 F.Supp.3d 1074, 1095 (N.D. Cal 2019) (rule applies to motions for rulings on merits of case).

DATED this 9th day of April, 2021.



Kathleen L. DeSoto
United States Magistrate Judge